

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

UNITED STATES OF AMERICA

Plaintiff-Respondent

VS.

CRIMINAL NO. 3:18-CR-50-DCB-LRA-001

CIVIL NO. 3:19-CV-578-DCB

BILAL HAMID LOVE a/k/a

MICHAEL SMITH,

Defendant-Petitioner

ORDER

This matter comes before the Court on Petitioner Bilal Hamid Love a/k/a Michael Smith ("Love")'s Motion for Leave to Proceed In Forma Pauperis filed on October 7, 2019. [ECF No. 36] Pursuant to 28 U.S.C. § 1915, courts of the United States are authorized to waive filing fees or security under certain circumstances. The statute provides, in relevant part:

(a)(1) Subject to subsection (b), any court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor. Such affidavit shall state the nature of the action, defense or appeal and affiant's belief that the person is entitled to redress.

(a)(2) A prisoner seeking to bring a civil action or appeal a judgment in a civil action or proceeding without prepayment of fees or security therefor, in addition to filing the affidavit filed under paragraph (1), shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of

appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined.

28 U.S.C. § 1915(a)(1)-(2) (emphases added). Petitioner submitted an Application to Proceed In Forma Pauperis, but failed to attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in the Petitioner's name.

Accordingly, it is hereby

ORDERED:

1. That on or before May 20, 2020, Petitioner shall complete and file the attached application - certified by the appropriate institutional officer - OR pay the **\$5.00 (five dollar) filing fee**. If petitioner or someone on behalf of the petitioner submits the **\$5.00 (five dollar) filing fee**, there must be a written explanation that the money is being submitted as payment of the filing fee in Civil Action Number 3:19-CV-578-DCB and Criminal Action Number 3:18-CR-50-DCB-LRA-001 on behalf of petitioner, BILAL HAMID LOVE a/k/a MICHAEL SMITH.
2. That petitioner is informed that his failure to timely comply with the requirements of this order may lead to the dismissal of the petition.

3. The clerk shall mail the attached application to the petitioner's last known address.

THIS, the 21st day of April, 2020.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE